

**AN ORDINANCE AMENDING CHAPTER 4 (ADMINISTRATIVE ORGANIZATIONS), ARTICLE XIV (DEPARTMENT OF POLICE), SECTION 4-82 (DEPARTMENT CONTINUED) AND SECTION 4-83 (PROMOTIONS), AND SECTION 4-84 (CHIEF OF POLICE) OF THE MUNICIPAL CODE OF THE TOWNSHIP OF BRIDGEWATER TO UPDATE AND CLARIFY CERTAIN PROCEDURES AND CODE PROVISIONS**

WHEREAS, Article IV of the Municipal Code of the Township of Bridgewater provides for a Department of Police and sets regulations, rules, and guidelines for the operation of same; and

WHEREAS, the Mayor and Township Council seek to amend certain section of Article IV to clarify and update certain procedures and code provisions; and

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Bridgewater, in the County of Somerset, State of New Jersey, that Chapter 4, Article XIV of the Municipal Code of the Township of Bridgewater, County of Somerset, State of New Jersey, is hereby modified through this amendment as follows:

**SECTION I.**

Section 4-82(A) is hereby amended as follows (struck through portions are to be removed; bolded and underlined portions are to be added):

A. Department of Police; ~~department head~~ **Head of Department**; Director.

- (1) Department of Police. The existence of a separate department in municipal government of the Township of Bridgewater designated as the Department of Public Safety of the Township of Bridgewater [formerly referenced in § 4-5B(7) of the Township Municipal Code] is hereby eliminated. In its place and stead and now referenced in § 4-5B(7) as a municipal department is the Department of Police.
- (2) ~~Department of Police.~~ **Head of Department.** The head of the Department of Police shall be the Chief of Police. As the head of this municipal department, he shall also be known as the Director of this Department, on a par with all other Directors of municipal departments referenced in § 4-5 and Article VII of the Township Municipal Code.

**SECTION II.**

Section 4-82(C) is hereby amended as follows (struck through portions are to be removed; bolded and underlined portions are to be added):

C. Functions of the Police Department. The Police Department shall:

- (1) Preserve the public peace, protect life and property, prevent crime, detect and arrest offenders against the penal laws and ordinances effective within the Township, suppress riots, mobs and insurrections, disperse unlawful or dangerous assemblages, and preserve order at all elections and public meetings and assemblages.

- (2) Administer and enforce laws and ordinances to regulate, direct, control and restrict the movement of vehicular and pedestrian traffic, and the use of the streets by vehicles and persons, to protect the safety and facilitate the convenience of motorists and pedestrians, and enforce rules and regulations, laws and ordinances of the Township and the State of New Jersey promulgated for such purposes.
- (3) Remove or cause to be removed all nuisances in the public streets, parks and other public places of the Township as are delineated in Chapters 145 (Nuisances, Public Health), 151 (Park Regulations), **Chapter 142 (Noise)**, and such other chapters of the Township Municipal Code as may prove applicable.
- (4) Provide proper police attendance and protection at fire scenes while recognizing the authority of the Fire Chief under N.J.S.A. 40A: 14-54.1.
- (5) Provide for the attendance of its members in court as necessary for the prosecution and trial of persons charged with crimes and offenses, and cooperate fully with the law enforcement and prosecuting authorities of federal, state and county governments.
- (6) Operate training program to maintain and improve the police efficiency of the members and employees of the Department.
- (7) Perform such other duties to be consistent with federal, state and local laws; directives of the Attorney General and the Somerset County Prosecutor.

### SECTION III.

Section 4-83(A) is hereby amended as follows (struck through portions are to be removed; bolded and underlined portions are to be added):

#### A. Promotion to Chief of Police.

- (1) **Eligibility. Any Lieutenant and Captain in the Bridgewater Township Police Department may apply for the position of Chief of Police.**
- (2) Promotional process.
  - (a) **Commencement. The promotional process for the position of Chief of Police shall commence upon the date the position is vacated by the incumbent Chief of Police. Notwithstanding the foregoing, and in consideration of departmental preparedness, the appropriate authority may, upon consultation with the incumbent Chief of Police, undertake elements of the promotional process described in this Section in anticipation of the pending retirement of said incumbent.**
  - (b) The evaluation process shall be undertaken by an assessment panel comprised of two representatives of a professional consulting firm, **agency, or law firm** experienced in the field of police department performance and promotional considerations and the Township Administrator.
- (3) Elements comprising the evaluation process. The following percentages are based on an overall point scale of 100 and shall include the following elements:

- (a) Seniority. Each candidate shall be awarded 0.25% of a point for each year of police service, whether served in Bridgewater Township or elsewhere as a sworn officer, up to a maximum of 8%
- (b) Education. The following educational degrees shall be worth the following points. However, to receive the 10 points allocated for any advanced degree, that degree must be related to management, business, criminal justice or police enforcement.

[1] AA degree: 4%.

[2] BA/BS degree: 8%.

[3] MA/MS, PHD, LLB, JD degree: 10%.

- (c) Record review. The record review will consist of the assessment panel's review of each candidate's personnel evaluations, personnel file, experience and resume. Each of the three individual members of the assessment panel shall review each candidate's credentials in these areas with each individual panel member's score being averaged into one composite score which will account for up to 7%.
- (d) Written examination/exercise. Each of the three individual members of the assessment panel shall review each candidate's performance in the written examination/exercise process with each individual panel member's score being averaged into one composite score which will account for up to 30%.

- (e) Assessment center.

[1] An assessment center is a process of gathering relevant information, under standardized conditions, about an individual's capabilities to perform the managerial position of Chief of Police. The assessment center places candidates through a series of group and individual exercises designed to simulate the conditions of the position of Chief of Police and determine if each candidate possesses the skills and abilities necessary to perform the job properly. This is accomplished by ascertaining the candidate's behavior relevant to the job while he is being observed by the assessment panel. In this manner, the assessment panel can observe a candidate's behavior from a common frame of reference utilizing various assessment exercises.

[2] Each of the three individual members of the assessment panel shall review each candidate's performance in the assessment center exercise process with each individual panel member's score being averaged into one composite score which will account for up to 45%.

- (4) Each of the five elements comprising the evaluation will provide each candidate with a numerical overall score, with 100 being the maximum score and 60 being the minimum acceptable score. The ranking on this list shall comprise the promotional eligibility list. The candidates achieving the top overall three scores will constitute the top three candidates, as provided in a listing delivered to the Mayor without ranking.

- (5) The final decision and appointment to the position of Chief of Police will be made from the top three candidates by the Mayor, with the advice and consent of the Council. This promotion shall be conditioned upon the successful candidate passing a medical evaluation; a psychological evaluation; and a background check involving a credit check, motor vehicle check and criminal check.
- (6) (Reserved)
- (7) The salary and other compensation for the Chief of Police shall be as set forth in the Township Salary Wage Ordinance.
- (8) Upon appointment, the Chief of Police shall serve in a probationary status for a period of one year. During the probationary period, the Chief of Police may be restored to his prior title with ~~or~~ **without** cause.
- ~~(9) The results obtained as a result of an applicant's participation in the evaluation process conducted by the assessment panel for the position of Chief of Police may also be considered as one of the elements for promotion of that applicant to the rank of Captain and/or Deputy Police Chief, provided no more than two years has expired from the candidate's participation in the evaluation process referenced in Subsection A(3)(c) above.~~

#### SECTION IV.

Section 4-83(B) is hereby amended as follows (struck through portions are to be removed; bolded and underlined portions are to be added):

##### B. Promotion to Sergeant.

###### (1) Personal profile.

- (a) A minimum of one week prior to the Chief of Police setting forth a list of candidates, each candidate shall prepare and provide to the Chief of Police a typed, standardized resume with a cover letter.
- (b) The standardized resume format shall be promulgated by the Chief of Police.
- (c) The candidate may include any additional information which he/she believes would be relevant to the Chief of Police and the promotion process in his or her cover letter. Each candidate's resume and cover letter will be reviewed by all supervisors during the promotion process.
- (d) Time in grade/eligibility. No member of the Police Department shall be eligible for promotion to the rank of Sergeant without a minimum of five **(5)** years of police service. Three of the five years must be served as a Bridgewater police officer.

###### (2) Supervisory review.

- (a) This section of the promotion process shall carry a weight of 43 points at the maximum.
- (b) A list of candidates who have submitted a resume and cover letter shall be promulgated by the Chief of Police.

- (c) Each active full-duty supervisor of the rank of Sergeant and above will be provided with a copy of this list and will participate in this section of the promotion process known as the "supervisory recommendation."
- (d) The supervisors will select from this list the ~~45~~ **10** candidates they deem most qualified to be promoted to Sergeant. The selections will be ranked in order of preference. A written narrative explaining the rationale for the selection shall be completed for ~~the top 10 candidates~~ **each candidate selected**. The supervisors' decisions are to be based on the following criteria/factors along with their working knowledge of the candidates and any other information concerning the candidate supplied by the Chief of Police as may be requested.
- (e) The supervisors shall consider the following factors:
- [1] Resume and cover letter.
  - [2] Knowledge of the duties of a Sergeant as described in the Sergeant job description.
  - [3] Knowledge of community.
  - [4] Appearance.
  - [5] Adaptability.
  - [6] Written and oral communication skills.
  - [7] Knowledge of policy and procedures.
  - [8] Professional judgment.
- (f) Scoring.
- [1] Each supervisor independently selects the top ~~45~~ **10** candidates and reports them in order of preference. The candidates are scored as follows:
    - [a] First place: ~~45~~ **10** points.
    - [b] Second place: ~~44~~ **9** points.
    - [c] Third place: ~~43~~ **8** points.
    - [d] Fourth place: ~~42~~ **7** points.
    - [e] Fifth place: ~~41~~ **6** points.
    - [f] Sixth place: ~~40~~ **5** points.
    - [g] Seventh place: ~~nine~~ **4** points.
    - [h] Eighth place: ~~eight~~ **3** points.

[i] Ninth place: ~~seven~~ 2 points.

[j] Tenth place: ~~six~~ 1 points.

~~{k} Eleventh place: five points.~~

~~{l} Twelfth place: four points.~~

~~{m} Thirteenth place: three points.~~

~~{n} Fourteenth place: two points.~~

~~{o} Fifteenth place: one point.~~

[2] Each candidate's score for this section is calculated by utilizing the following formula: total points received by the candidate divided by the number of supervisors participating times ~~15~~ 10, then multiplied by ~~48~~ 43, equals the candidate's score for this section. [Example: There are 12 supervisors in the process. Candidate A receives a total of 64 supervisor points.  $(64/(12 \times \del{15}{10})) \times 43 = 15.28$  points.] All point values will be rounded to nearest hundredths place.

(3) Service credit.

(a) This section of the promotion process shall carry a weight of 10 points at a maximum.

(b) There shall be 1/2 point per year for every full year as a Bridgewater police officer starting from each candidate's date of hire, up to a maximum of 10 points.

(4) Education.

(a) College education: maximum seven points. Points will be awarded to the candidates as follows:

[1] Master's degree, PHD, LLB, JD: seven points.

[2] Bachelor's degree: five points.

[3] Associate's degree or active military service: 3.5 points.

[4] Thirty or more credits or military reserve service: 2.5 points.

[5] Less than 30 college credits: zero points.

(5) Numerical score. Each of the three elements supervisory review, service credit, education) comprising the promotional process for Sergeant will provide each candidate with a numerical score. The candidates will be ranked from highest score to lowest score. ~~Only the top 15 highest scoring candidates will continue to the oral interview.~~

(6) Oral interview.

- (a) This section of the promotion process shall carry a weight of 40 points at the maximum.
- (b) An oral interview will be conducted with the top ~~15~~ **10** highest-scoring candidates. The interview shall include uniform questions, rating scales and the interview results shall be recorded on a standardized form. The oral interview shall be based on a total of 100 points for each rater for a total of either 400 or 500 possible points (depending on the number of available raters pursuant to § 4-83E(6) of this chapter) for each candidate for this particular section. Notwithstanding § 4-83E(6)

[1] Chief of Police.

[2] Operations Captain.

[3] Administrative Captain.

[4] Administrative Lieutenant.

[5] Operations Lieutenant.

- (c) Evaluation of candidates' performance shall involve consideration of the following criteria and factors:

[1] Comprehensive and presentation skills in oral communication.

[2] Maturity in judgment.

[3] Evidence of supervisory and administrative leadership.

[4] Demonstrated knowledge and understanding of the Township, including the physical and demographics thereof, as well as an understanding of the operations of Township government, including the interaction of the various departments therein.

[5] Knowledge and understanding of supervisory and management practices, department rules and regulations, policies and procedures, and police patrol practices.

[6] Knowledge of criminal and motor vehicle laws, rules of evidence, search and seizure, Somerset County Prosecutor's Office Directives and New Jersey Attorney General Guidelines.

- (d) Scoring.

[1] Each candidate's score for this section is calculated by utilizing the following formula: total points received by the candidate divided by 500 (or divided by 400 in the event there are only four raters pursuant to § 4-83E(6) of this chapter) then multiplied by 40 is the candidate's score for this section. [Example: Candidate A's overall score is 300.  $(300/500) \times 40 = 24.00$  points.]

[2] Each of the four elements (supervisory review, service credit, education, oral interview) comprising the promotional process will provide each candidate with a

numerical overall score. The candidates shall be ranked from highest score to lowest score. The five lowest-scoring candidates shall be removed from the promotional process. The remaining 10 candidates ranked highest to lowest shall comprise the promotion eligibility list for the rank of Sergeant.

(7) Appointment.

- (a) The Chief will select one candidate for promotion from the top three highest-scoring candidates (including ties). Should there be more than one vacancy to be filled, the Chief will select from the top highest-scoring three candidates (including ties) who remain after the Chief makes his initial selection(s).
- (b) In making the selection and appointment, the Chief of Police shall review the following performance-related areas for each candidate: job-related experience; compliance with the rules and regulations of the Department; professional judgment; quality of work; responsibility; attendance; productivity; promotional potential in a supervisory capacity defined as use of independent judgment in the performance of duties, ability to supervise personnel and give directions and orders; disciplinary records; commendations.

SECTION V.

Section 4-83(E)(3) is hereby amended as follows (struck through portions are to be removed; bolded and underlined portions are to be added):

(3) Promotion eligibility list.

- (a) Following the completion of the promotional process, the Chief of Police will prepare a promotional eligibility lists **for the ranks of Captain, Lieutenant, and Sergeant.** The lists will contain ~~only~~ the names of the candidates who are eligible for promotion in descending order starting with the highest-scoring candidate.
- (b) The promotional eligibility lists will remain valid for ~~one~~ **two** year from the date of publication. ~~Any candidate may request, through his/her chain of command, to view his/her point total. At the end of the one-year period, the Chief of Police shall return to the candidate's personnel file any materials reviewed by the Chief.~~ The appropriate authority as so designated pursuant to N.J.S.A. 40A:14-118 and Section 4-84(D)(2) may, prior to the list's expiration **of any promotional eligibility list for any rank,** upon consultation with the Chief of Police, and in consideration of staffing requirements, pending and anticipated retirements, and other relevant factors, extend the promotion eligibility list for up to six (6) additional months. Written notice shall be provided to all affected employees of any extension exercised pursuant to this Section.
- (c) **Notwithstanding the foregoing, the Chief of Police, upon their initial appointment pursuant to Section 4-83(A)(5) hereof, and in the event there is at least one vacancy at the rank of Captain, may, with the approval of the appropriate authority, utilize the existing promotion list for the rank of Captain or commence a novel promotion process pursuant to Section 4-83(A)(5) for any vacancy existing at that rank.**
- (d) **Any candidate may request, through his/her chain of command, to view his/her point total. At the end of the one-year period, the Chief of Police shall return to the candidate's personnel file any materials reviewed by the Chief.**



## SECTION VI.

Section 4-84(D)(1) is hereby amended as follows (struck through portions are to be removed; bolded and underlined portions are to be added):

### D. Composition and organization of the police force.

- (1) The Police Department shall consist of one Chief of Police, ~~two Captains, six Lieutenants, 10 Sergeants, one ID Officer, five Detectives,~~ and 54 police officers, no more than three of whom shall be School Resource Officers. The Police Department may also elect to employ two sworn officers in addition to the aforementioned 54 police officers for the purposes of development and training and may retain said officers for a period of 90 days after the conclusion of the course of training as designated by the Department. In no event shall the number of active police officers exceed 54. With the exception of the Chief of Police position, all such subordinate appointments shall be made by the Director of the Department of Police (Chief of Police) pursuant to N.J.S.A. 40:69A-43(d). Pursuant to N.J.S.A. 40A:14-146.10, the Police Department may also employ up to ten (10) Class III Officers for school safety purposes. The Class III Special Law Enforcement Officers to be hired by the Township shall meet all the qualifications of N.J.S.A. 40A:14-146.10. The Director of the Department of Police, with the approval of the Mayor, may, from time to time, leave one or more of the above positions vacant, as he sees fit. The express purpose for naming these offices is to establish a statutory line of authority from all police employees to a higher elected authority. No personnel may be appointed to the Township of Bridgewater Police Department until they have satisfied all statutory requirements and have complied with the selection process and standards established by the rules and regulations adopted by the Director of Police to govern the Police Department, this article (§§ 4-82 to 4-84) and the applicable statutes of the State of New Jersey (N.J.S.A. 40A:14-118 to 130). The Chief of Police shall not only have authority over police officials within the Department, but also over all administrative and civilian employees of the Department as well. **Each police officer retained by the Police Department shall take an oath and be sworn pursuant to N.J.S.A. 4:1-1 et seq.**

## SECTION VII.

Section 4-84(D)(3) is hereby amended as follows (struck through portions are to be removed; bolded and underlined portions are to be added):

### D. Composition and organization of the police force.

- (3) Promotion or removal from within the ranks. A promotion of any member or officer of the Police Department to a superior position shall be made by the Director of the Department of Police, who is the Chief of Police, as is provided under N.J.S.A. 40:69A-43(d). All promotions shall be made from within the membership of the Police Department pursuant to N.J.S.A. 40A: 14-129, and a member or officer of the Police Department shall not be promoted until he has served at least three years in such Department pursuant to N.J.S.A. 40A: 14-130. The Director of the Department of Police shall have the power to remove subordinate officers and employees within the Department, with the approval of the Mayor, and subject to general New Jersey law regarding termination. **Promotions made on a temporary basis, due to a vacancy at the rank of Captain, Lieutenant, or Sergeant, shall**

**be made on a temporary basis in a manner prescribed by the Chief of Police and in accordance with departmental policy.**

#### SECTION VIII.

Section 4-84(D)(4) is hereby inserted into the code as follows (all text is new):

D. Composition and organization of the police force.

**(4) Acting Chief.**

- (a) **In the event of an extended absence of the Chief of Police due to illness, personal leave (including vacation), or other temporary condition where the Chief of Police's return to work is anticipated, the Chief of Police may appoint a Captain to serve as Acting Chief during the time of the Chief of Police's absence.**
- (b) **In the event of the temporary incapacity of the Chief of Police prior to which the Chief of Police was unable to make an appointment pursuant to N.J.S.A. 4-84(D)(4)(a), the appropriate authority, as so designated pursuant to N.J.S.A. 40A:14-118 and Section 4-84(D)(2), shall appoint a Captain to serve as Acting Chief of Police who shall serve as Acting Chief of Police until such time as the incumbent Chief of Police is able to resume the duties of the position or until the position is deemed to be permanently vacant.**
- (c) **In the event of a vacancy in the position of Chief of Police due to retirement or permanent incapacity, the appropriate authority, as so designated pursuant to N.J.S.A. 40A:14-118 and Section 4-84(D)(2), shall appoint a Captain to serve as Acting Chief of Police who shall serve as Acting Chief of Police until such time as a permanent replace is selected pursuant to Section 4-83(A) hereof.**
- (d) **In the event there are no Captains available at the time of any absence, incapacity, or vacancy in the position of Chief of Police as herein described, the appropriate authority as so designated pursuant to N.J.S.A. 40A:14-118 and Section 4-84(D)(2), may appoint a sworn officer with the rank of Lieutenant to the position of Chief of Police in an acting capacity pursuant to any paragraph hereof.**

#### SECTION IX.

Section 4-84(E) is hereby amended as follows (struck through portions are to be removed; bolded and underlined portions are to be added):

- E. Compensation for members of the Police Department. Salary and other forms of compensation for each member of the Police Department, ~~including the Deputy Chiefs of Police~~ shall be as set forth either in the Township Salary Range Ordinance, the PBA collective-bargaining agreement and/or the SOA collective-bargaining agreement and are incorporated herein by reference. The salary for the Chief of Police as Director of the Police Department shall be in an agreement negotiated by the Mayor and approved by the Council.

SECTION X. If any part of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

SECTION XI. Should any section, paragraph, sentence, or clause of this ordinance be declared unconstitutional or invalid for any reasons, the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effect and, to this end, the provisions of this ordinance are hereby declared severable.

SECTION XII. This ordinance shall take effect upon adoption and publication in the manner required by New Jersey general law but, in no event, less than 20 days after its final passage by the Township Council and approval by the Mayor, where such approval is required pursuant to N.J.S.A. 40:69A-181(b).

Adopted: September 19, 2022

Effective: October 11, 2022